

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
ALBANY DIVISION**

**RENSSELAER POLYTECHNIC
INSTITUTE AND DYNAMIC
ADVANCES, LLC,**

PLAINTIFF,

V.

APPLE INC.,

DEFENDANT.

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 1:13-cv-633

STIPULATION AND ORDER OF DISMISSAL

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiff DYNAMIC ADVANCES, LLC and Defendant APPLE INC., hereby stipulate to the dismissal of all claims pending in this action on the basis of a settlement between the parties on the following terms:

IT IS HEREBY STIPULATED AND AGREED that all claims for relief asserted against APPLE INC. by Plaintiff DYNAMIC ADVANCES, LLC herein shall be dismissed, with prejudice, and all counterclaims for relief against Plaintiff DYNAMIC ADVANCES, LLC by APPLE INC. shall be dismissed without prejudice; and

IT IS FURTHER STIPULATED AND AGREED that all attorneys' fees, costs of court and expenses shall be borne by each party incurring the same and none of the parties shall be required to pay any costs, attorney fees or other expenses of another party that are associated with the matters settled by this Order of Dismissal.

Respectfully submitted

Dated: April 19, 2016

By: /s/ James R. Muldoon
James R. Muldoon (506772)
HARRIS BEACH PLLC
333 W. Washington Street
Suite 200
Syracuse, New York 13202
(315) 423-7100 (telephone)
jmuldoon@harrisbeach.com

Steven P. Nonkes (517931)
HARRIS BEACH PLLC
99 Garnsey Road
Pittsford, New York 14534
(585) 419-8800 (telephone)
snonkes@harrisbeach.com

Counsel for Plaintiff
Dynamic Advances, LLC

Paul J. Skiermont (107001)
Donald E. Tiller (107002)
Alexander E. Gasser (603023)
Shellie Stephens (107164)
SKIERMONT DERBY LLP
2200 Ross Avenue, Suite 4800W
Dallas, Texas 75201
(214) 978-6600 (telephone)
paul.skiermont@skiermontpuckett.com
don.tiller@dtillerlawpllc.com
alex.gasser@skiermontpuckett.com
shellie.stephens@skiermontpuckett.com

Mitchell J. Katz (301057)
MENTER, RUDIN & TRIVELPIECE,
P.C.
308 Maltbie Street Suite 200
Syracuse, New York 13204-1498
(315) 474-7541 (telephone)
mkatz@menterlaw.com

Jeffrey A. Ware
FENWICK & WEST LLP
1191 Second Avenue, 10th Floor
Seattle, WA 98101
(206) 389-4510 (telephone)
jware@fenwick.com
Counsel for Defendant
Apple Inc.

David M. Lacy Kusters
Ryan J. Marton
FENWICK & WEST LLP
555 California Street, 12th Floor
San Francisco, California 94104
(415) 875-2300 (telephone)
dlacykusters@fenwick.com
rmarton@fenwick.com

By: /s/ J. David Hadden
J. David Hadden
Hector J. Ribera
William A. Moseley, Jr.
Carolyn Chang
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, California 94041
(650) 988-8500 (telephone)
hribera@fenwick.com
wmoseley@fenwick.com
dhadden@fenwick.com
cchang@fenwick.com

Counsel for Defendant
Apple Inc.

SO ORDERED:

Dated: April __, 2016

HON. DAVID E. PEEBLES
U.S. Magistrate Judge